THE HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.16872 of 2006

Date: 08.09.2006

Between:
G. Subramanyam Reddy, S/o.G. Subba Reddy
And three others.

Petitioners

and

The Mandal Revenue Officer,
Ramachandrapuram Mandal,
Chittoor District and three others.

Respondents

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ORDER:

The petitioners filed this writ petition as a public interest litigation and a Division Bench of this Court ordered listing of this writ petition before this Court on the ground that similar writ petition being W.P.No.2125 of 2006 filed by four other persons of the same village was disposed of by this Court on 16.02.2006.

It is the case of the petitioners that there is an ancestral tank near Chuttugunta Ramapuram village in Ramachandrapuram Mandal, Chittoor District. After certain encroachments, the tank area has shrinked to Ac.9.12 cents. Similarly, there is another tank called Annaswamy gunta in the same village. Both the tanks are providing ground water table and irrigation facilities whenever they get filled up due to adequate rains. The villagers are also drawing water from the said tanks for cultivation. It is stated that the third respondent-Municipality has taken a decision to dump the garbage in the area covered by the tank and started laying the road across the tank by destroying it. Therefore, the villagers made a representation before respondents 1 and 2. But, respondents 1 and 2 have not taken any steps to prevent the third respondent–Municipality from laying the road. It is further stated that some of the villagers have filed W.P.No.2125 of 2006 questioning the action of the respondents and the said writ petition was disposed of by this Court on 16.02.2006, wherein it was stated that none of the respondents therein are making any attempt to lay any road across the Chuttagunta Cheruvu and Annaswamy Gunta and the Municipality was not at all touching the said water bodies in any manner. It is also stated that there is a cart track near the water bodies from the village Ramachandra Puram

Mandal, which is situated in the Government Poramboke land, and it is being made ready as pucca road in order to use it for transportation of garbage to intended Garbage Plant, which is a reclying unit. The said decision has been taken pursuant to the Council resolution of the Tirupathi Municipality and that no road is going to be laid touching the area of the water bodies. It is also stated that after the disposal of the said writ petition, the fourth respondent is trying to lay the roads with the Mandal Parishad funds to circumvent the orders of this Court.

The learned counsel appearing for the fourth respondent as well as the third respondent, got instructions and stated that the respondents are not laying any road in the water body area and the earlier orders of this Court are being implemented strictly by the concerned Officials.

Under the above circumstances, this writ petition is devoid of merits and the same is accordingly dismissed. However, if the earlier order of this Court has been violated by any of the respondents, it is open for the petitioners herein or the petitioners in the earlier writ petition to file a contempt case.

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V. Eswaraiah, J

Date:08.09.2006
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